IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T & I. J.

NOTICE OF MOTION NO.27 OF 2005
IN
SUIT NO.1 OF 2005
IN
PETITION NO.756 OF 2003

Bomi D.Chothia .. Petitioner

Vs.

Mrs.Jeroo Minoo Chothia & Anr. .. Respondents

Mr.A.S.Valhil i/b M.Hiralal & Co. for the petitioner

Mr.D.D.Madan with Mr.B.B.Saraf i/b Prakash and Co. for the respondents

CORAM : S.U.KAMDAR, J

DATED : 12TH AUGUST, 2005

P.C.:

. The present notice of motion is taken out for deletion of the property which are mentioned in schedule no.1 to the present petition. The petition is filed by the plaintiff for letter of administration. Petition is filed only in respect of one immovable property which is described in schedule no. 1 . The learned counsel for the defendants in support of the present motion

contends that the tenancy of the property belongs to him and therefore,it should not be deleted from the schedule of the property. It is not possible for me to determine right, title and interest in the property as mentioned in schedule at the interim stage. In view thereof, no relief can be granted in the present motion. Motion disposed off accordingly. It is made clear that even if the letter of administration is granted in favour of the plaintiff, it would not create any right, title and interest in the petitioner in respect of the said property.